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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,940	05/09/2006	Wolfgang Friedrich	2004P05249WOUS	5145

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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01/04/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,940	<b>Applicant(s)</b> FRIEDRICH ET AL.	
	<b>Examiner</b> M GOOD JOHNSON	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/08/2009</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Dempski, U.S. Patent Number 7,050,078 B2

Regarding claim 29, Dempski discloses a method for performing a simulation in an industrial automation system for observation by at least one user, comprising: placing a real component of the industrial automation system under the control of a process controller (col. 5, lines 16-43, capturing a real object with video images, and the real object processed and registered by a computer), the real component having a process setting determinable by input of a process value via a process link (col. 4, lines 51-60, in an industrial work space providing information about the activity including objects in the environment, relationships between the individual, objects, activity and the environment); providing a process interface in the automation system for receiving input from the process link and connected for setting the real component in accord with the process value (col. 7, lines 44-57); controlling the real component via the process

Art Unit: 2628

controller and the process link, wherein the real component forms part of a real environment (col. 7, lines 58-62 and col. 8, lines 7-17); and providing a mixed virtual/real environment for presentation to the user of a dynamic simulation in a context which includes the real component in the real environment by augmenting the real environment with a simulated dynamization (col. 7, lines 21-43), thereby providing the user with a dynamic simulation in the context of the real environment (col. 1, lines 58-67), wherein ongoing processes running in the real environment are recorded and synchronized with the dynamic simulation, and wherein execution of the dynamic simulation is controllable by the user (col. 7, lines 1-43 and col. 8, lines 18 – 54).

Regarding claim 30, Dempski discloses wherein the mixed virtual/real environment is displayed to the user by generating a volume data set representing the virtual objects and the real component (col. 1, lines 33-36) and (col. 8, lines 55-64, each pixel is associated with three coordinates, a pixel coordinate (x, y) and a pixel value z, however, it is noted that Dempski discloses the pixel value z characterized by a gray scale and/or color value. Examiner takes official notice that it is well known in the art that z values are typically associated with depth, therefore it is inherent that by utilizing three coordinates to characterize a pixel, the z value can have a depth value and thereby generate a volume data set).

Regarding claim 31, Dempski discloses wherein while under the control of the process controller, the real component receives actuator values having a process

Art Unit: 2628

setting determinable by input of a process value via a process link, and provides one or more sensor values associated with one or more states of the component during operation, the method further including: storing the sensor and actuator values for the real component (col. 2, lines 3-23, and col. 3, lines 30-67, tracking an object and calculating a location and registering an image); and for provision of the mixed virtual/real environment with the simulated dynamization, providing the sensor and actuator values to perform modifications to the ongoing simulated dynamization (col. 2, lines 44-49).

Regarding claim 32, Dempski discloses including recording data during the ongoing simulated dynamization to enable playback of the recorded dynamization in slow motion and in a backwards direction in time (col. 8, lines 18-36).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 29-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M GOOD JOHNSON whose telephone number is (571)272-7658. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Motilewa Good-Johnson/  
Primary Examiner, Art Unit 2628